

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

School Education Department - Settlement of Pension - Request of Smt N.Janardhanamma W/o late Sri N.Jagannadha Swamy, Retd. Teacher, PSE School, Santhagraharam, Kottur Mandal, Srikakulam District - Request for condonation of Un-authorized period of absence of Sri N.Jagannadha Swamy from 23-03-1966 to 31-10-1983 as Compulsory wait for the purpose of counting Pension - Request - Rejected - Orders - Issued.

EDUCATION (SE PS.II) DEPARTMENT

G.O.Rt. No. 631

Dated: 05-09-2008

Read the following:-

1. From DSE, Hyderabad, Lr. No. 2154/R2-1, dt. 13.12.2007.
2. From the Registrar, A.P.Lokayukta, Hyderabad Lr. No. 766/2005/B2/3583/2008, dt. 10-04-2008 and dt. 29.07.2008.

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O R D E R:-

The Director of School Education, Hyderabad has submitted proposals for counting of un-authorized absence of Sri N.Jagannatha Swamy, Retd. Teacher, PSE School, Kottur, Srikakulam District for the period from 01-01-1966 to 31-01-1983 and consequent revision of family pension to his wife to Smt. N.Janardhanamma, based on the complaint submitted by Smt N.Janardhanamma to the Hon'ble Lokayukta and the order of Lokayukta there on.

2. The Hon'ble Lokayukta on the complaint No. 766/05/B2, dt. 04.03.2008 made the following order:

“The Director of School Education, Andhra Pradesh, Hyderabad in his letter dated: 03-03-2008 informed that for settling the gap period of absence of husband of the complainant from 23-03-1966 to 31-01-1983, the proposals were sent to the Government and as per the Instructions of the Government, certain information was obtained from the District Educational Officer, Srikakulam on 22-01-2008 and the same was furnished to the Government for issuance of necessary orders duly settling the leave period from 23-03-1966 to 31-01-1983 as compulsory wait for the purpose of pensionary benefits. He has requested three months time for submission of further report. By sending the copy of the said letter, let report be called for from the Principal Secretary to the Government, School Education, Andhra Pradesh, Hyderabad. Let copy of the said report be sent to the complaint for her response. Call on 05-06-2008.”

3. Subsequently on the reference of the Government, the Hon'ble Lokayukta in its order dt. 23-07-2008 gain made the following Order:-

“As per Section 7 (1) of the A.P. Lokayukta Act this Institution can investigate any action taken by the public servant which includes inaction on the part of the public servant. The limitation provided under Section 8 (2) of the A.P. Lokayukta and Upa Lokayukta Act is

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applicable to the investigation of allegation but not relating to investigation into action taken by the public servant. This contention of the Principal Secretary to the Government, School Education Department cannot be accepted. The Principal Secretary to the Government School Education Department therefore be requested to inform the action taken for regularizing the absence period of husband of the complainant from 23-03-1966 to 31-01-1983 Call on 08-09-2008.”

4. Upon a careful examination of the matter and the proposals of Director of School Education and connected records and, Government hereby reject the application of the individual for regularizing the absence period of her husband from duty from 01-01-1966 to 31-01-1983, for the following reasons:

(1) The individual claims that the B.D.O. failed to issue posting orders. But there is no evidence on record, either to establish the individuals’ applications for posting orders from time to time. The individual reportedly proceeded on medical leave from 01.01.1966. The individual has been out of service from this date till 31.01.1983. There are no records of application for extension of leave, or sanction of leave. Hence the claims are rejected as unsubstantiated and unreasonable.

(2) It is not reasonably possible to consider unauthorized absence period from 01-01-1966 to 31-01-1983 ie., about 17 years, as compulsory wait, 25 years after the event.

(3) Further in a similar case of one Sri J.Veera Reddy R/o Kondapur (M), Medak District, who sought regularization of his absence period from 2-9-85 to 2-2-1988, the Honourable Andhra Pradesh Administrative Tribunal issued the following Order in O.A. No. 1691/1997 dated: 25-09-1998 to the following extent.

“Hence in view of the circumstances, there is every reason to accept that the applicant absented himself after submitting joining report dt. 02-09-85 and did not pursue his case i.e., to join duty. Hence I find the action of the Government in not regularizing the period from 2-9-85 to 2-2-88 is proper. Further, it can be seen that even though the applicant absented from duty for more than 10 years without permission and valid reason and in violation of FR. 18 the Government took a very lenient view and treated the period of absence as dies non”.

The above order was upheld by the Hon’ble Andhra Pradesh High Court in the Writ Petition No. 25727/1999 filed by Sri J.Veera Reddy in which the final orders of the Divisional Bench of Hon’ble High Court in its order dt. 17th July, 2008 observed:

“A perusal of the impugned order clearly shows that there is dereliction of duty on the part of the petitioner and the Tribunal has recorded its findings with reference to record. In the circumstances, we do not see any infirmity in the impugned order. The writ petition is liable to be and is accordingly dismissed.

5. Government accordingly reject the request for regularization of absence period of Sri N.Jagannadha Swamy, for the period from 01-01-1966 to 31-03-1983 and reject the request of Smt. N.Janardhanamma for counting the above period for the purposes of pensionary benefits.
6. The Director of School Education, Hyderabad is requested to take action accordingly.
7. This Orders issues with the concurrence of Finance (ESE) Department vide their U.O.No. 25376/445/ESE/08 dt. 30-08-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.B.S.VENKATARAMANA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of School Education, Hyderabad.
The District Educational Officer, Srikakulam.
Copy to:
The Correspondent, PSE School, Srikakulam.
The Registrar, A.P.Lokayukta, Basheerbagh, Hyderabad.
The Finance (ESE) Department.
SC/SF

//FORWARDED BY ORDER//

SECTION OFFICER